

**REMARKS****Claim Amendment**

Claim 11 and Claims 15 and 19, dependent thereon, have been cancelled.

Claims 55 and 58 have been amended to recite that a fragment of a human protein of SEQ ID NO: 2 comprises the polypeptide of SEQ ID NO: 3.

This amendment introduces no new matter.

**Rejection of Claim 11, 15 and 19**

Claims 11, 15 and 19 are rejected under 35 U.S.C. §112, first paragraph (written description). It is Applicants understanding that the Examiner interpreted the language of Claim 11 as open language that encompasses *all proteins* that comprise the polypeptide of SEQ ID NO: 3. Applicants disagree with the Examiner's interpretation and note that Claim 11 is drawn to *all isolated nucleic acid molecules* that encode the polypeptide of SEQ ID NO: 3. Applicants further note that due to degeneracy of genetic code as well as availability of numerous expression vectors suitable for expressing the polypeptide of SEQ ID NO: 3, description of all such isolated nucleic molecules is not only impracticable, but is impossible. Applicant submits that one skilled in the art would appreciate that the Applicants have been in possession of *an* isolated nucleic acid comprising a nucleotide sequence encoding the polypeptide of SEQ ID NO: 3.

However, in the interest of facilitating the prosecution of the instant application, Applicants cancelled Claim 11 as well as Claims 15 and 19 dependent thereon. Applicant do not abandon the subject matter of these claims and reserve the right to present these claims in a continuing application.

This amendment renders the Examiner's rejection moot. Reconsideration and withdrawal of the rejection are respectfully requested.

**Rejection of Claims 55-58**

Claim 55-58 have been rejected under 35 U.S.C. §112, second paragraph, as indefinite. The Examiner stated that Claims 55 and 58 are ambiguous and suggested amending these claims

to recite "a fragment of human protein of SEQ ID NO: 2 that comprises the polypeptide of SEQ ID NO: 3".

Applicants amended Claims 55 and 58 as suggested by the Examiner. Applicants believe that Claim 55, Claims 56 and 57, dependent on Claim 55, and Claim 58 are now allowable. Reconsideration and withdrawal of the rejection are respectfully requested.


### CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By

  
Alexander Akhiezer

Registration No. 54,617

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated:

8/9/05